

2/17/17  
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## ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. J. HAKLAR, DECA-PTSB	JH	2-17-17
2. S. SCHULZ, DECA-PTSB	SS	2/16/17
3. J. GORMAN, DECA-PTSB	JG	2/16/17
4. D. McKENNA, DECA-DO	DM	2/21/17
5. K. ANDERSON, DECA-DO	KA	2/21/17
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10.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordinate	Justify	

### REMARKS

**Universal Waste Site, Utica, New York: Approval for Disposal of PCB Remediation Waste under 40 CFR §761.61(a) and Approval for Characterization Sampling under 40 CFR §761.61(c)**

*After signature please return to J. Haklar for mailing.*

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

<b>FROM:</b> (Name, org. symbol, Agency/Post)  JAMES S. HAKLAR, DECA/PTSB/TS	Room No./ Bldg. Edison (MS-105)/Bld 10  Phone No. (732) 906-6817
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**FEB 21 2017**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7011 2970 0003 2009 0544**

Mr. Jeff Simmons  
Vice President – Operations  
ELG Utica Alloys, Inc.  
378 Gros Boulevard, Suite 3  
Herkimer, New York 13350

**Re: Approval for Disposal of PCB Remediation Waste under 40 CFR §761.61(a) and  
Approval for Characterization Sampling under 40 CFR §761.61(c)**

Dear Mr. Simmons:

This is in response to the February 13, 2017 electronic correspondence, from EHS Support, LLC (EHS) on behalf of ELG Utica Alloys, Inc. (ELGUA), regarding the Universal Waste Site (the Site) in Utica, New York. EHS' correspondence provides an Internet link to a self-implementing notification (Notification) for the off-site disposal of a limited amount of polychlorinated biphenyl (PCB)-contaminated soil and debris located on the Site. This activity is being performed under an Interim Remedial Measure (IRM) Focused Feasibility Study (FFS) to evaluate the efficacy of removing additional PCB-contaminated material from the Site and is not the final cleanup remedy.

The Notification will be referred to as the "Application". The PCB-contaminated soil and debris is considered to be PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

With the exception of the characterization sampling requirements under Subpart N of 40 CFR Part 761, the proposed removal of the PCB remediation waste meets the self-implementing disposal requirements under 40 CFR §761.61(a). Based on a review of EHS' approach to characterization sampling, the United States Environmental Protection Agency (EPA) finds that it is acceptable for delineating areas of the PCB remediation waste to be removed under the IRM FFS.

EPA hereby approves ELGUA's Application and it may proceed with the disposal under 40 CFR §761.61(a) and (c) and the Application, subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act, 15 U.S.C. §2605.

**CONCURRENCES**

2/17/17 *EM*

Name:	Init:	Date:	Filename:					
Symbol	DECA-PTSB	DECA-PTSB	DECA-PTSB	DECA-DO	DECA-DO			
Surname	HAKL <i>HAKL</i>	SCHULZ <i>SCHULZ</i>	GORMAN <i>GORMAN</i>	McKENNA <i>McKENNA</i>	ANDERSON			
Date	2/14/17	2/16/17	2/16/17	2/14/17	2/13/17			

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by ELGUA are authorized to conduct the activities set forth in the Application. ELGUA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please contact James S. Haklar at (732) 906-6817 or at [haklar.james@epa.gov](mailto:haklar.james@epa.gov).

Sincerely yours,

Kathleen Anderson, Acting Director  
Division of Enforcement & Compliance Assistance

cc: Parag Amin, P.E., New York State Department of Environmental Conservation